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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,774	04/17/2001	Harald Kaufmann		4626
25889 7590 11/10/2009				
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576				
EXAMINER				
ZIMMERMAN, JOSHUA D				
ART UNIT		PAPER NUMBER		
2854				
MAIL DATE		DELIVERY MODE		
11/10/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/807,774

**Applicant(s)**

KAUFMANN, HARALD

**Examiner**

JOSHUA D. ZIMMERMAN

**Art Unit**

2854

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No./Mail Date: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 28-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 28, 29, 30 and 37 newly recite that a motif is printed "onto said adhesive repellent base medium." Support for this limitation could not be found in the specification. However, support could be found for the motif being 'imprinted' onto the base medium (see, for example, page 7, lines 12-15).

For purposes of examination, it will be assumed that applicant meant to use the term 'imprinted' instead of 'printed.'

Appropriate correction and/or clarification is required.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 28-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 28, 29, 30 and 37 newly recite that a motif is

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printed "onto said adhesive repellent base medium." However, the claims already set forth that the motif is present in one of the other layers in the reflection transfer. It is, therefore, unclear if applicant is trying to claim that the motif be printed again on the base medium.

For purposes of examination, it will be assumed that applicant meant to use the term 'imprinted' instead of 'printed,' which would make the claim clear.

Appropriate correction and/or clarification is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 28-30, and 32-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (US 3172942) in view of Nellessen et al. (US 3420597) and Olsen (US 5916399).

Regarding claim 28, Berg teaches a "process for the manufacture of a reflection transfer and for applying the transfer to a substrate (title, column 7, lines 13-15) comprising the steps:

initially providing an adhesive-repellant base medium (item 19);

applying a transfer adhesive on the base medium, wherein the transfer adhesive is at least one of heat-sensitive and pressure sensitive (item 18);

applying an intermediate ink layer onto a side of said transfer adhesive opposite said base medium (item 17);

applying a reflection ink layer (items 12 and 16) comprising a plurality of reflection particles (item 14),

wherein said intermediate ink layer is not clear translucent (column 7, lines 21-33);

removing said adhesive repellent base medium to form an open face on said reflection transfer (column 7, lines 10-11);

applying said open face of said reflection transfer onto said substrate (column 7, lines 11-12); and

adhering the reflection transfer on said substrate (column 7, lines 13-17)."

Berg fails to teach that the reflection ink layer is applied "directly onto said intermediate ink layer, wherein said reflection particles are added to the reflection ink before applying the reflection ink on the intermediate ink layer;

drying the transfer such that at least some of the reflection particles are raised above the reflection ink layer."

Nellessen et al. teach a method of applying a reflective ink to a substrate comprising reflective particles (title, figures) comprising:

including the reflection particles in an ink before applying to the substrate (column 3, lines 35-40);

screen printing the ink onto the substrate (column 5, lines 55-57); and

drying the applied ink film in order to expose the particles (Figure 2).

The method employed by Nellessen et al. improves upon the multi-step process employed by Berg by reducing the number of steps involved (column 2, lines 30-40).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to modify the method of Berg by using the reflective ink application method of Nellessen et al. in order to reduce the number of steps involved in the manufacturing process.

Berg, as modified, also fails to teach that "at least one of said transfer adhesive, said intermediate ink layer and said reflection ink layer form a motif."

However, Olsen teaches that the retroreflective emblems or markings, such as disclosed by Berg, were disadvantageous because they were single-colored tapes or sheet materials, thus lacking complex multi-colored designs which are desired in fashion (column 1, lines 42-52). Olsen further teaches including an image in at least one of the layers in order to achieve a more desirable product (column 2, lines 8-16 and 46-67).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to include a motif in one of the layers of the modified method of Berg in order to achieve a more desirable product.

Finally, Berg, as modified, fails to teach "and wherein said motif is printed with a plan view of its correct side onto said adhesive repellent base medium," and that when adhered to said substrate, "said face on the opposite side of said open face is a correct side of said transfer to accord with said motif desired."

Rather, Berg, as modified, teaches the assembly of the layers in an order which

results in an image having to be printed in reverse to result in the correct image being displayed on the substrate. See, for example, that Olsen teaches that the image should be printed in reverse so that the correct image is formed once the transfer sheet has been transferred to a substrate (column 4, lines 6-8).

The Supreme Court has emphasized the need to account for common sense when considering whether a combination of references would have been obvious. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007). In the instant case, common sense would dictate that printing a motif in plan view, rather than in a reverse manner, would enable one to more easily recognize errors or defects in the motif desired. Thus, one having ordinary skill in the art would have been motivated to switch the order of the process steps in the modified method of Berg in order to allow for the motif to be presented in the correct view to enable an easier recognition of motif defects.

Further, it has been held that selection of any order of performing process steps is *prima facie* obvious in the absence of new or unexpected results. See MPEP §2144.04, IV(c).

Therefore, since the resultant reflection transfer is identical to that which is instantly claimed (that is, there are no new or unexpected results), the order in which the process steps are performed is not deemed to patentably distinguish over the modified method of Berg.

Regarding claim 29, Berg teaches a "process for the manufacture of a reflection transfer and for applying the transfer to a substrate (title, column 7, lines 13-15) comprising the steps:

initially providing an adhesive-repellant base medium (item 19);  
applying onto the base medium" a transfer film (item 13) comprising a transfer adhesive (item 16) and reflection particles (item 14)  
wherein the "adhesive is not clear translucent (column 7, lines 29-31);  
removing said adhesive repellent base medium to form an open face on said reflection transfer (column 7, lines 10-11); and  
applying said open face of said reflection transfer onto said substrate (column 7, lines 11-12); and  
adhering the reflection transfer on said substrate (column 7, lines 13-17)."

Berg fails to teach:  
that the adhesive layer contains the reflection particles,  
drying the transfer such that at least some of the reflection particles are raised above the reflection ink layer.

Nellessen et al. teach a method of applying a reflective ink to a substrate comprising reflective particles (title, figures) comprising:  
including the reflection particles in an adhesive before applying to the substrate (column 3, lines 35-40);  
screen printing the ink onto the substrate (column 5, lines 55-57); and



drying the applied ink film in order to expose the particles (Figure 2).

The method employed by Nellessen et al. improves upon the multi-step process employed by Berg by reducing the number of steps involved (column 2, lines 30-40).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to modify the method of Berg by using the reflective ink application method of Nellessen et al. in order to reduce the number of steps involved in the manufacturing process.

Berg, as modified, also fails to teach that "at least one of the transfer adhesive/reflection ink mixture and the colored transfer adhesive" "also form a motif."

However, Olsen teaches that the retroreflective emblems or markings, such as disclosed by Berg, were disadvantageous because they were single-colored tapes or sheet materials, thus lacking complex multi-colored designs which are desired in fashion (column 1, lines 42-52). Olsen further teaches including an image in at least one of the layers in order to achieve a more desirable product (column 2, lines 8-16 and 46-67).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to include a motif in one of the layers of the modified method of Berg in order to achieve a more desirable product.

Finally, Berg, as modified, fails to teach "and wherein a correct side of said motif is printed onto said adhesive repellent base medium," and that when adhered to said substrate, "said face on the opposite side of said open face is a correct side of said transfer to accord with said motif desired."

Rather, Berg, as modified, teaches the assembly of the layers in an order which results in an image having to be printed in reverse to result in the correct image being displayed on the substrate. See, for example, that Olsen teaches that the image should be printed in reverse so that the correct image is formed once the transfer sheet has been transferred to a substrate (column 4, lines 6-8).

The Supreme Court has emphasized the need to account for common sense when considering whether a combination of references would have been obvious. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007). In the instant case, common sense would dictate that printing a motif in plan view, rather than in a reverse manner, would enable one to more easily recognize errors or defects in the motif desired. Thus, one having ordinary skill in the art would have been motivated to switch the order of the process steps in the modified method of Berg in order to allow for the motif to be presented in the correct view to enable an easier recognition of motif defects.

Further, it has been held that selection of any order of performing process steps is *prima facie* obvious in the absence of new or unexpected results. See MPEP §2144.04, IV(c).

Therefore, since the resultant reflection transfer is identical to that which is instantly claimed (that is, there are no new or unexpected results), the order in which the process steps are performed is not deemed to patentably distinguish over the modified method of Berg.

Regarding claim 30, Berg teaches a "process for the manufacture of a reflection transfer and for applying the transfer to a substrate (title, column 7, lines 13-15) comprising the steps:

initially providing an adhesive-repellant base medium (item 19);  
applying a transfer adhesive on the base medium, wherein the transfer adhesive is at least one of heat-sensitive and pressure sensitive (item 18);  
applying a reflection ink layer (items 12 and 16) comprising a plurality of reflection particles (item 14),  
wherein said transfer adhesive is not translucent (column 7, lines 21-33);  
removing said adhesive repellent base medium to form an open face on said reflection transfer (column 7, lines 10-11); and  
applying said open face of said reflection transfer onto said substrate (column 7, lines 11-12)."

Berg fails to teach that the reflection ink layer is applied "directly onto said transfer adhesive, wherein said reflection particles are added to the reflection ink before applying the reflection ink on the transfer adhesive; and

drying the transfer such that at least some of the reflection particles are raised above the reflection ink layer."

Nellessen et al. teach a method of applying a reflective ink to a substrate comprising reflective particles (title, figures) comprising:

including the reflection particles in an ink before applying to the substrate (column 3, lines 35-40); and

drying the applied ink film in order to expose the particles (Figure 2).

The method employed by Nellessen et al. improves upon the multi-step process employed by Berg by reducing the number of steps involved (column 2, lines 30-40).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to modify the method of Berg by using the reflective ink application method of Nellessen et al. in order to reduce the number of steps involved in the manufacturing process.

Berg, as modified, also fails to teach that "said reflection ink layer forms a motif."

However, Olsen teaches that the retroreflective emblems or markings, such as disclosed by Berg, were disadvantageous because they were single-colored tapes or sheet materials, thus lacking complex multi-colored designs which are desired in fashion (column 1, lines 42-52). Olsen further teaches including an image in at least one of the layers in order to achieve a more desirable product (column 2, lines 8-16 and 46-67).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to include a motif in one of the layers of the modified method of Berg in order to achieve a more desirable product.

Finally, Berg, as modified, fails to teach "and wherein a correct side of said motif is printed onto said adhesive repellent base medium," and that when adhered to said substrate, "said face on the opposite side of said open face is a correct side of said transfer to accord with said motif desired."

Rather, Berg, as modified, teaches the assembly of the layers in an order which

results in an image having to be printed in reverse to result in the correct image being displayed on the substrate. See, for example, that Olsen teaches that the image should be printed in reverse so that the correct image is formed once the transfer sheet has been transferred to a substrate (column 4, lines 6-8).

The Supreme Court has emphasized the need to account for common sense when considering whether a combination of references would have been obvious. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007). In the instant case, common sense would dictate that printing a motif in plan view, rather than in a reverse manner, would enable one to more easily recognize errors or defects in the motif desired. Thus, one having ordinary skill in the art would have been motivated to switch the order of the process steps in the modified method of Berg in order to allow for the motif to be presented in the correct view to enable an easier recognition of motif defects.

Further, it has been held that selection of any order of performing process steps is *prima facie* obvious in the absence of new or unexpected results. See MPEP §2144.04, IV(c).

Therefore, since the resultant reflection transfer is identical to that which is instantly claimed (that is, there are no new or unexpected results), the order in which the process steps are performed is not deemed to patentably distinguish over the modified method of Berg.

Regarding claims 32 and 33, Berg further teaches "applying said reflection transfer to a substrate using a transfer press (column 7, lines 13-17)."

Regarding claims 34-36, Berg as modified meets these claimed limitations since the order, as presented in Berg, has been modified as discussed above in claims 28-30.

Regarding claim 37, Berg teaches a "process for the manufacture of a reflection transfer and for applying the transfer to a substrate (title, column 7, lines 13-15) comprising the steps:

- initially providing an adhesive-repellant base medium (item 19);
- applying a transfer adhesive on the base medium, wherein the transfer adhesive is at least one of heat-sensitive and pressure sensitive (item 18);
- applying an intermediate ink layer onto a side of said transfer adhesive opposite said base medium (item 17);
- applying a reflection ink layer (items 12 and 16) comprising a plurality of reflection particles (item 14),
- wherein said intermediate ink layer is not clear translucent (column 7, lines 21-33);
- wherein said adhesive repellent base medium is configured to be removable to form an open face on said reflection transfer, said open face for application to a substrate (column 7, lines 10-12)."

Berg fails to teach that the reflection ink layer is applied "directly onto said intermediate ink layer, wherein said reflection particles are added to the reflection ink before applying the reflection ink on the intermediate ink layer;

drying the transfer such that at least some of the reflection particles are raised above the reflection ink layer."

Nellessen et al. teach a method of applying a reflective ink to a substrate comprising reflective particles (title, figures) comprising:

including the reflection particles in an ink before applying to the substrate (column 3, lines 35-40);

screen printing the ink onto the substrate (column 5, lines 55-57); and

drying the applied ink film in order to expose the particles (Figure 2).

The method employed by Nellessen et al. improves upon the multi-step process employed by Berg by reducing the number of steps involved (column 2, lines 30-40).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to modify the method of Berg by using the reflective ink application method of Nellessen et al. in order to reduce the number of steps involved in the manufacturing process.

Berg, as modified, also fails to teach that "at least one of said intermediate ink layer and said reflection ink layer form a motif."

However, Olsen teaches that the retroreflective emblems or markings, such as disclosed by Berg, were disadvantageous because they were single-colored tapes or sheet materials, thus lacking complex multi-colored designs which are desired in

fashion (column 1, lines 42-52). Olsen further teaches including an image in at least one of the layers in order to achieve a more desirable product (column 2, lines 8-16 and 46-67).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to include a motif in one of the layers of the modified method of Berg in order to achieve a more desirable product.

Finally, Berg, as modified, fails to teach "and wherein a correct side of said motif is printed onto said adhesive repellent base medium," and that when adhered to said substrate, "said face on the opposite side of said open face is a correct side of said transfer to accord with said motif desired."

Rather, Berg, as modified, teaches the assembly of the layers in an order which results in an image having to be printed in reverse to result in the correct image being displayed on the substrate. See, for example, that Olsen teaches that the image should be printed in reverse so that the correct image is formed once the transfer sheet has been transferred to a substrate (column 4, lines 6-8).

The Supreme Court has emphasized the need to account for common sense when considering whether a combination of references would have been obvious. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007). In the instant case, common sense would dictate that printing a motif in plan view, rather than in a reverse manner, would enable one to more easily recognize errors or defects in the motif desired. Thus, one having ordinary skill in the art would have been motivated to switch the order of the



process steps in the modified method of Berg in order to allow for the motif to be presented in the correct view to enable an easier recognition of motif defects.

Further, it has been held that selection of any order of performing process steps is *prima facie* obvious in the absence of new or unexpected results. See MPEP §2144.04, IV(c).

Therefore, since the resultant reflection transfer is identical to that which is instantly claimed (that is, there are no new or unexpected results), the order in which the process steps are performed is not deemed to patentably distinguish over the modified method of Berg.

Regarding claims 38-41, the limitations in these claims are met once the modifications to the process of Berg are carried out, as described above in claims 28, 29, 30 and 37, respectively.

Regarding claim 42, Berg teaches a "process for the manufacture of a reflection transfer and for applying the transfer to a substrate (title, column 7, lines 13-15) comprising the steps:

- initially providing an adhesive-repellant base medium (item 19);

- applying a transfer adhesive on the base medium, wherein the transfer adhesive is at least one of heat-sensitive and pressure sensitive (item 18);

- applying an intermediate ink layer onto a side of said transfer adhesive opposite said base medium (item 17);

- applying a reflection ink layer (items 12 and 16) comprising a plurality of reflection particles (item 14),

wherein said intermediate ink layer is not clear translucent (column 7, lines 21-33);

removing said adhesive repellent base medium to form an open face on said reflection transfer (column 7, lines 10-11);

applying said open face of said reflection transfer onto said substrate (column 7, lines 11-12); and

adhering the reflection transfer on said substrate (column 7, lines 13-17)."

Berg fails to teach that the reflection ink layer is applied "directly onto said intermediate ink layer, wherein said reflection particles are added to the reflection ink before applying the reflection ink on the intermediate ink layer;

drying the transfer such that at least some of the reflection particles are raised above the reflection ink layer."

Nellessen et al. teach a method of applying a reflective ink to a substrate comprising reflective particles (title, figures) comprising:

including the reflection particles in an ink before applying to the substrate (column 3, lines 35-40);

screen printing the ink onto the substrate (column 5, lines 55-57); and

drying the applied ink film in order to expose the particles (Figure 2).

The method employed by Nellessen et al. improves upon the multi-step process employed by Berg by reducing the number of steps involved (column 2, lines 30-40).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to modify the method of Berg by using the reflective ink

application method of Nellessen et al. in order to reduce the number of steps involved in the manufacturing process.

Berg, as modified, also fails to teach that at least one of said transfer adhesive, said intermediate ink layer and said reflection ink layer forms a motif.

However, Olsen teaches that the retroreflective emblems or markings, such as disclosed by Berg, were disadvantageous because they were single-colored tapes or sheet materials, thus lacking complex multi-colored designs which are desired in fashion (column 1, lines 42-52). Olsen further teaches including an image in at least one of the layers in order to achieve a more desirable product (column 2, lines 8-16 and 46-67).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to include a motif in one of the layers of the modified method of Berg in order to achieve a more desirable product.

Finally, Berg, as modified, fails to teach that after being adhered to said substrate, the face of the reflection ink layer that is on an opposite side of said open face is a correct side of said transfer for displaying a motif.

Rather, Berg, as modified, teaches the assembly of the layers in an order which results in an image having to be printed in reverse to result in the correct image being displayed on the substrate. See, for example, that Olsen teaches that the image should be printed in reverse so that the correct image is formed once the transfer sheet has been transferred to a substrate (column 4, lines 6-8).

The Supreme Court has emphasized the need to account for common sense when considering whether a combination of references would have been obvious. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007). In the instant case, common sense would dictate that printing a motif in plan view, rather than in a reverse manner, would enable one to more easily recognize errors or defects in the motif desired. Thus, one having ordinary skill in the art would have been motivated to switch the order of the process steps in the modified method of Berg in order to allow for the motif to be presented in the correct view to enable an easier recognition of motif defects.

Further, it has been held that selection of any order of performing process steps is *prima facie* obvious in the absence of new or unexpected results. See MPEP §2144.04, IV(c).

Therefore, since the resultant reflection transfer is identical to that which is instantly claimed (that is, there are no new or unexpected results), the order in which the process steps are performed is not deemed to patentably distinguish over the modified method of Berg.

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg, Nellessen et al. and Olsen, as applied to claim 30 above, further in view of Applicant's Admitted Prior Art (AAPA)

Regarding claim 31, Berg, as modified, teaches all that is claimed but fails to further teach "applying said transfer adhesive via a screen print process." However, AAPA teaches using a screen print process in order to achieve a transfer system that

can be manufactured in a simple manner, at a reasonable cost and in large numbers (page 3, lines 9-28 of applicant's specification). Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to use a screen print process in the modified method of Berg in order to achieve a transfer system that can be manufactured in a simple manner, at a reasonable cost, and in large numbers.

### ***Response to Arguments***

7. Applicant's arguments filed 07/24/09 have been fully considered but they are moot in view of the new grounds of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. ZIMMERMAN whose telephone number is (571)272-2749. The examiner can normally be reached on M-R 8:30A - 6:00P, Alternate Fridays 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua D Zimmerman  
Examiner  
Art Unit 2854

/J. D. Z./  
Examiner, Art Unit 2854

/Judy Nguyen/  
Supervisory Patent Examiner, Art Unit 2854